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FILED  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT

JUN 11 2010

STATE OF NORTH DAKOTA

**From:** Fallon [fkelly@drtel.net]  
**Sent:** Friday, June 11, 2010 4:46 PM  
**To:** (SUP) Clerk of Court Office  
**Cc:** Schmidt, LeAnn; ross@rbclisbon.com; neilolerud@yahoo.com; 'Connie Gilbert'; 'Ransom County'; 'Jason Butts'; enderlinindependent@mlgc.com  
**Subject:** Judicial Vacancy in District Judgeship No. 4 Southeast Judicial District  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Judgeship Request Ransom County.pdf

Dear Clerk of the Supreme Court:

Please find herewith for filing and for forwarding on to the Justices of the Supreme Court, the Ransom County Commissioners' written comments regarding Notice of Consultation, Supreme Court No. 20100130 and the Ransom County Commissioners' petition to have District Judgeship No. 4 chambered in Ransom County, North Dakota.

This e-mail serves as my request as Ransom County State's Attorney to the Ransom County Gazette (official newspaper of the county), to publish the attached document as a legal document and the cost thereof to be charged to the County of Ransom.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you.

Sincerely,

Fallon M. Kelly  
P.O. Box 391  
Lisbon, ND 58054  
(701) 683-4123 office  
(701) 683-4124 fax

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6/11/2010

COUNTY COMMISSION  
RANSOM COUNTY, NORTH DAKOTA  
P. O. Box 668, Lisbon, ND 58054  
Neil Olerud, Chairman

June 11, 2010

The Supreme Court of North Dakota  
C/O Penny L. Miller  
State Capitol  
Judicial Wing, 1<sup>st</sup> Floor  
600 E. Boulevard, Ave., Dept. 180  
Bismarck, ND 58505-0530

SENT VIA E-MAIL TO: supclerkofcourt@ndcourts.gov

RE: SOUTHEAST JUDICIAL DISTRICT JUDGESHIP VACATED BY  
UNTIMELY DEATH OF THE HONORABLE JAMES M. BEKKEN AND THE  
CHAMBERING OF SAID VACATED JUDGESHIP.

PETITION TO DESIGNATE RANSOM COUNTY AS RESIDENT DISTRICT  
COURT JUDGESHIP CHAMBER

Dear Chief Justice and Justices of the Supreme Court:

**IS THE JUDGESHIP NECESSARY?**

The Ransom County Commissioners have unanimously passed a resolution to send this document to you pursuant to the Notice of Consultation, Supreme Court No. 20100130.

The Commissioners believe it is imperative that the judgeship vacated by Judge Bekken's death not go away. Many citizens have expressed their concerns to the Commissioners that the justice system is too slow in its workings. By eliminating the judgeship that is now vacant, the justice system will undoubtedly slow even more. A slower justice system will have the effect of partially disenfranchising a citizenry that pays taxes not only for a system of justice that is fair but one that is also swift.

The Commissioners agree with the Judgeship Report submitted by Judge Paulson who is the Presiding Judge of the Southeast Judicial District and the Commissioners also agree with the report submitted by Rodney Olson who is the Trial Court Administrator of Administrative No. 4, which both conclude that Judgeship No. 4 is necessary for the Southeast Judicial District.

**THE VACANT JUDGESHIP 4 SHOULD BE CHAMBERED IN RANSOM COUNTY:**

The Ransom County Commissioners want the Court to know that they are committed to continued support of the court system in Ransom County. The Commissioners have kept ahead of other counties in making sure that Ransom County's court system and facilities are up to date and convenient and comfortable for our visiting district judges. The Commissioners will continue to provide the support they have demonstrated the ability and foresight to provide and will strive to improve the facilities to accommodate a chambering of a judgeship in Ransom County.

The Ransom County Commissioners have unanimously passed a resolution to send this document to you pursuant to Section 3 of Article VI, North Dakota Constitution, and Section 27-05-08, NDCC and hereby petition you to designate the recently vacated Southeast Judicial District Judgeship Chambers to be located in Lisbon, Ransom County North Dakota. It is the understanding of the Ransom County Board of County Commissioners that the untimely death of the Honorable Judge James M. Bekken has caused his judgeship to become vacated and in need of being filled. The Ransom County Commissioners are sending a copy of this Petition to Judge Paulson, the presiding judge of the Southeast Judicial District; to Ross Cole, the mayor of Lisbon; to Neil Olerud, the chair of the Ransom County Board of Commissioners; and a copy of this Petition filing shall be published in the Ransom County Gazette, which is the official newspaper of Ransom County.

The following evidence supports this Petition and establishes reasoning and justification for designating the Ransom County Seat of Lisbon as the Chambers for the new Southeast Judicial District Judgeship.

The Unified Court Information System Report for the Southeast Judicial District shows the following caseload for Ransom County. In 2006 there were 1,248 cases filed with 1,249 counts and disposition of 1,311 cases with 1,314 counts. In 2007 there were 1,431 cases filed with 1,436 counts and disposition of 1,461 cases with 1,466 counts. In 2008 there were 1,165 cases filed with 1,170 counts and disposition of 1,283 cases with 1,287 counts.

More recently, it appears that out of all of the Counties of the Southeast Judicial District, Ransom County has the 3<sup>rd</sup> or 4<sup>th</sup> largest caseload.

Ransom County is also a very centralized position south of Interstate 94, thereby creating a convenient positioning for citizenry of the neighboring counties to come to one central location to utilize the court system.

There are six practicing attorneys who live in Ransom County. Five of those have their offices in Lisbon where the County Seat is located. There are numerous other attorneys spread throughout the surrounding communities and less populated counties. Berentje

Pohlman practices in Enderlin, which is in Ransom County. Gary Neuharth practices in Oakes, which is in neighboring Dickey County. Bill Anderson and Lyle Bopp practice in neighboring Sargent County. Kim Radermacher and Ryan Norrell practice in neighboring Dickey County and LaMoure County respectively. Most of the other practicing attorneys in the Southeast Judicial District that are adjacent to Ransom County practice in the cities of Wahpeton and Valley City. The County Seat of Ransom County is Lisbon, which is the central location of the Southern portion of the Southeast Judicial District. By placing a judgeship chambers in Ransom County, attorneys and more importantly, citizens will have a judge that is located in a central location that provides convenience and reduces costs associated with travel to non-centrally located chambers like Dickey County, Wahpeton and Valley City.

Ransom County's County Seat of Lisbon has numerous community facilities. There are two motels in town. The Island Park Motel which is approximately one mile South of Lisbon and the Super 8 Motel which is located on Main Street in Lisbon. There are other motels in Gwinner and Enderlin, which are within 15 miles of Lisbon. Fort Ransom has a state park and many tourist and other activities throughout the year. A National Scenic Backway/Byway is located along the Sheyenne river valley from Lisbon to Fort Ransom. There are bed and breakfast facilities in both Lisbon and Fort Ransom. There is a federally funded airport located approximately two miles West of Lisbon that has recently been renovated. Lisbon has seven restaurants located in or immediately adjacent to city limits. There is a hospital and several clinics located in Lisbon. Lisbon is located at the intersection of two major State highways, which are State Highway 32 and Highway 27.

Lisbon has excellent travel access from surrounding communities due to the previously mentioned airport and two intersecting State Highways. Lisbon also has a fully serviced U.S. Post Office and has service provided daily by Fed Ex and UPS.

The Court Facility Standards meet or exceed surrounding court facilities. Ransom County's courthouse is located on State Highway 27 in the central area of Lisbon. The courthouse has two large parking lots. There are two separate offices for the Judge and the Judge's Clerk located in the courthouse conveniently placed next to the Clerk of Court's office and just down the hallway from the Court Room. The Judge's and Judge's Clerk's offices have full phone and high speed internet connections and are spacious. The elevator has a separate private access for ingress and egress of the Judge directly to the Judge's office by use of a special key for that purpose. This was installed at the direction of the County Commissioners for heightened security for the Judge. There is ample space available for a law library. The Court is a traditional style courtroom with ample space for public viewing, jury accommodations with separate renovated jury room, audio visual capabilities, integrated audio system that connects to phone system and recently installed Kevlar protection for the Judge's bench.

Lisbon is approximately 45 miles from the Barnes County Jail where Ransom County has a jail service agreement and when appropriate, Ransom County sends prisoners to the

Richland County Jail. Juvenile detentions occur by sending juveniles to Cass County, which is the closest location for sending juveniles.

Ransom County has entered into the cooperative court service arrangement with the State of North Dakota.

The County Public Health Office and the Social Services Office are located immediately adjacent to the courthouse building on the same grounds.

By placing the new chambers in Ransom County, the citizens surrounding Lisbon will travel less distance to Lisbon than they currently have to get to Valley City, Jamestown or Wahpeton to utilize the Court system if they want to have immediate services rather than waiting for the judges to come to Lisbon periodically. The same reasoning holds true for the Judge that would be chambered in Lisbon, court personnel and attorneys. Currently, since no Judge is chambered in Ransom County, Judges and their Clerks must travel to Ransom County for Court proceedings, which causes time and expense to the Judge and judicial staff and sometimes causes issues with duplication of documentation, etc. Currently, people who utilized the court system in the geographic area close to Ransom County must wait for a judge to come through town occasionally to get important and time sensitive documents signed.

Currently, most of the population in the Southeast Judicial District is located in Wahpeton, Valley City and Jamestown. However, according to the U.S. Census Bureau Lisbon has a population of 2,300 and Ransom County as a whole has an estimated population of 5,628. Sargent County has an estimated population of 4,048. LaMoure County has an estimated population of 3,986. These three counties with a total estimated population of 13,662 are contiguous to each other and none of them has a chambered judge. Richland County has an estimated population of 16,334 and has its own judgeship chambers. Barnes County has an estimated population of 10,682 with two judges located in its County Seat. Stutsman County has an estimated population of 20,394 and has two judgeship chambers. Dickey County has an estimated population of 5,237 and has its own judgeship chambers, but is located to the South and West of the center area of the Southern portion of the Southeast Judicial District so it is not centrally located.

For the reasons outlined above, the Ransom County Board of Commissioners respectfully requests that Judgeship No. 4, which was recently vacated by the untimely death of Judge James M. Bekken not only be retained, but that said Judgeship No. 4 also be chambered in the County Seat of Ransom County, North Dakota.

Sincerely,

RANSOM COUNTY COMMISSIONERS

  
Neil Olerud, Chairman